G. R. S. IX-5]

Previous references.

Ctc 50-10(1-2)

Reserve

File No. 40-19

1919.

(Ctc)

Serial Nos. 102

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for Dec 19

SUBJECT.

Forms & Registers for showing disposals of Insolvency cases & for the quarterly return of such cases.

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cl 2) To,

The Registrar, Chief Court.

No G 13309 d) 9-12-19

Sanctions the introduction of registers VII a, VII b, a form showing quarterly return of insolvency cases & a simplified form of Register VII.

3/1/20.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 40-19

FILE HEADING.

Forms and Registers for showing disposals of Insolvency Cases and for the quarterly return of such Cases

From

The Registrar, Chief Court of Mysore

No. R.O.C. 1197/16-17 Dated 30th July 14-8-19 Received 16-8-19

Diary No. 3127	Enclos. 4 Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Forwards for sanction of the proposal of the Judges of the Chief Court to introduce certain Registers for showing disposals of Insolvency Cases and certain forms to facilitate the proper submission of quarterly return of Cases under Insolvency regulation.

NOTES AND ORDERS.

1) Forwards ~~the desirability of keeping up~~ the proposal of the Judges of the Chief Court stating the necessity and desirability of keeping up two separate Registers (models submitted along with the letter) marked VII A and VII-B to show the number of Cases disposed of under the Insolvency Regulation.

NOTES—First Sheet.

G. R. S. III-2]

(2)

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General and Revenue Secretariat.	C/5 File No. 40 of 1919

Serial No.

(2) The proposed forms of registers VII-A, VII-B are ~~enclosed along with~~ annexed to the letter.

Flag S

(3) Para 3 of Civil Rule of Practice No 146 dated 14th September 1910 states that the forms VII and VII-A would be prescribed as soon as the Insolvency Regulation was enacted. Insolvency Regulation was passed in the year 1911 as Regulation ~~No VII~~ No VI of 1911.

(4) It is stated now that the Judges of the Chief Court did not think it necessary to have the Register VII-A when they obtained Sanction for Register VII. But since then Insolvency Cases have increased in bulk and consequently the Judges think that such a register as VII-A is quite necessary. Not only register VII-A but also another register VII-B, they think necessary for recording disposals of Insolvency Cases.

Flag T

Flag H.

(5) In addition to the above two registers it is also proposed to have forms to facilitate the ~~return~~ quarterly return for Insolvency Cases, on the model annexed to the letter

Flag U

2) Submitted for orders.

~~Civil Rules of Practice put up.~~

4) Please put up the Registers & forms in use in the Mad. Press.

11/9

NOTE—Contn. sheet.

The forms paper has been withdrawn as suitable ... the Civil attached

11/9

General and Revenue Secretariat.

Ch File No. 40 of 1919.

Serial No.

5) Register-forms used in Madras Presy for such cases are given in 'Rules & orders issued for the guidance of Civil Courts in the Madras Presidency' Similar to those ~~proposed~~ now suggested in the Paper under disposal. Reference is invited to forms nos. 4, 5, 6 & 7 ~~thereof~~ in the said book commencing from page 184

6) Submitted

Reg W

KR 11/9/19
Addl 11/9

7) Please ~~sent~~ up draft & cancel

D. M. 30/10

8) Please bring up in person
D. M. 2/9

MV KR 2/9

9) Submitted with a draft sanctioning as ps orders Supra

KR 31 Dec 19

10) It is not clear if the forms of the registers sanctioned have to accompany the G.O. As no alterations are made here it is perhaps unnecessary to send the forms as annexures to the G.O.

Addl 4/11

11) Submit for approval

D. M. 8/11

2230 11-11-19

II Member. Approved

10/11

D. Issues D. M. 19/11

2 To the Registrar, Chief Court.

No. G. 13309 dt 9th December 1919.

Sanctions the introduction of Registers VII A, VII B, a form showing quarterly returns of insolvency cases & a simplified form of

DRAFT

Note Continued on sheet.

H.C. PROTECTION BRANCH. 13 DEC 1919

4

R.O.C. No.1197/1916-17. 4

Chief Court of Mysore,

Bangalore, dated 30th July 1919.

14th August 19.

DIARY No. 3127

From

G. Sreenivasa Iyer Esq., B.A., M.L.,
Registrar of the
Chief Court of Mysore.

To

C. S. Balasundaram Iyer Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

Sir,

I am directed to invite reference to para 3 of Civil Rule of Practice X No.146 dated the 14th September 1910 stating that the forms of Registers VII and VII A would be prescribed as soon as the Insolvency Regulation was enacted and to this Office letter No.1641/132 dated the 16th October 1911 prescribing the form of Register VII and stating that a corresponding disposal register was not necessary, and to state that as the number of Insolvency cases is on the increase and as there is a need now for a separate register showing disposals of these cases, the Judges consider it necessary to introduce two disposal registers for Insolvency Cases VII A and VII B in the forms annexed hereto. VII A shows the disposal up to date of the adjudication and VII B all subsequent proceedings up to the discharge of the insolvent.

In view of the fact that these forms VII A and VII B furnish complete information on all the points required, the

X Vide Civil Digest page 79)

68.

5

the existing form of Register VII may be made more simple and accordingly a Register in the annexed form is suggested in its place. A quarterly return for insolvency cases & ~~xxxxx~~ in the form annexed is also considered necessary.

I am to request that the Government may be pleased to accord their sanction for the introduction of the above return and Registers.

I have the honor to be,

S i r,

Your most obedient servant,

Srinivasa Ra

REGISTRAR.

SK.

REGISTER OF INSOLVENCY PETITIONS RECEIVED.

NO. VII.

Court --------

Year ----------

Number of Insolvency petition.	Date of receipt on the file by institution or transfer.	Number of connected suit or petition, if any.	Name and description of petitioner and name of his pleader.	Name and description of opposite party and name of his pleader.	Names and descriptions of all other parties interested in the proceedings and names of their pleaders.	Particulars of circumstances under which the petition is presented.	Total extent of the debtor's assets and liabilities.	Date fixed for hearing.	Date of disposal and order.	Number of appeal with result and date.	Number of revision case with result and date.	~~13~~.
1	2	3	4	5	6	7	8	9	10	11	12	

INSTRUCTIONS.

1. In Column 4, state if the petitioner is the debtor or the creditor. In the case of a judgment-debtor, if he is under arrest or imprisonment or if there is an order of attachment against his property subsisting, the fact should be mentioned.

2. If there is a substitution of petitioners under Section 9 of the Insolvency Regulation, the name of the new petitioner should also be mentioned.

3. Petitions taken up as summary cases should be so entered in Column 1.

SK.

Serial	Number	Number	Date	Date	Transf	Scheme out	Offic	Speci	No re	Offic	Speci	No rec	Penal	Senten	With	Witho	Actua	R e
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19.

Instruction.

The date to be entered in Column 4 will always be the latest date. In the case of petitions restored to file, the date of original institution should be entered, and the date of restoration noted in the column of remarks.

SK.

FORM NO. VII. A.

REGISTER OF INSOLVENCY PETITIONS DISPOSED OF.

Court -----

Year -------

Number.	Date of the insolvency petition disposed of.	Date of connected suit or petition, if any.	Date of receipt on the file by institution, transfer or otherwise.	Date of disposal.	How disposed of.										Number of days occupied in the disposal of the application.	Remarks.
					Withdrawn or not prosecuted.	Order of composition approved under section 27 (7) without previous order of adjudication.	Order of adjudication made under section 16 (1)				Dismissed under Section 15.					
							Debtor's petition.			Creditor's petition.	Debtor's petition.		Creditor's petition.			
							Receiver being appointed at the time of adjudication.			Receiver being appointed at the time of adjudication.						
							Official Receiver.	Receiver.	Receiver being appointed at the time of adjudication.	Official Receiver.	Receiver.	Receiver being appointed at the time of adjudication.	Proceedings under section 43 (2) not being taken.	Case of imprisonment being passed under section 43 (2)	Compensation to debtor.	Compensation to debtor.		

8

FORM NO. VII. B.

REGISTER OF PROCEEDINGS IN INSOLVENCY SUBSEQUENT TO ORDER OF ADJUDICATION.

****

Court ----

Year -----

1. Serial Number.

2. Date of order of adjudication.

3. Number of Insolvency Petition.

4. Subsequent orders affecting the order of adjudication.

   i. Adjudication rescinded (sec.17) and (Proceedings stayed. / Petition dismissed.

   ii. Adjudication annulled under Section 42 (1).

5. Schedule of creditors ---

   Date of framing of schedule.

   Order adding creditor not in schedule with date.

   Order expunging debt improperly included with date.

6. Discharge.

   Date of application.

   Date of Order.. (Refusing discharge. / Suspending discharge. / Granting conditional discharge. / Granting absolute discharge.

7. Administration of property.---

   i. Date of appointment of Receiver.

   ii. Receiver.. (Official. / Special. — Name and occupation. / Amount of security. / Remuneration fixed.

   iii. Number of estates placed in charge of Receiver or under Court's management if there is no Receiver.

9

iv. Insolvent appointed to superintend management. (Date. (Allowance fixed.

v. Amount of creditor's claims (Admitted. (Disallowed.

8. Penal provisions enforced --

Debtor dealt with under section 43 (2) (Nature of misconduct (Clause a, (b), or (c) (Period of imprisonment.

Action taken against Receiver. under section 18 (4) (Nature of default clause (a), (b) or (c). (Steps taken. (Date. (Result.

9. Appeals.

Number.	Date of order appealed from.	Order appealed against.	Date of disposal.	Result.

10. Revision cases.

Number.	Date of order under revision.	Order under revision.	Date of disposal.	Result.

SK.

_____ Quarterly Sta

_____ Showing proceedings in Insolv

_____ during the

Name of Court	Pending from last quarter	Applications under Section 5 of the Insolvency Regulation						Disposed of									
		Registered during the quarter				Received by transfer or remanded or re-admitted	Total for disposal	Transferred, withdrawn or not prosecuted	Granted				Dismissed				
		By debtors			By creditors				Debtors' petitions		Creditors' petitions		Debtors' petitions		Creditors' petitions		
		Judgment debtors		Other debtors					Receiver being appointed	No Receiver being appointed	Receiver being appointed	No Receiver being appointed	Penal proceedings under Section 43(2) not being taken	Sentence of imprisonment being passed under Section 43(2)	With compensation to debtor under Section 15(2)	Without compensation to debtor	
		Under arrest, or imprisonment	Against whose property there is an attachment Subsisting														
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	

Note. Column 9. Show in the col: of remarks the numb

Applications struck off for default or otherwise not

Show in the remarks column the number of c

tement No. 5 (Civil)

ney in the Court of

quarter of the year 19 - 19

Total	Still pending	Number pending for more than Six months	Average number of days for which applications under Section 5 were on the file (Cols: 10 & 17)	Number of cases in which adjudications were annulled under Section 42(1)	Number of insolvents discharged during the quarter under Section 44	Number of insolvents' estates in the hands of Receivers in which proceedings were finally closed during the quarter	Amount of creditors' claims dealt with during the quarter: Admitted.	Satisfied	Gross amount of insolvents' assets realized and disbursed: Realised during the quarter	Disbursed during the quarter	Orders under Section 15(2)	Orders under Section 43(2)	Average number of days for which imprisonment was awarded in Cases under Col: 15	Number of persons imprisoned in Cases under Col: 15.	Remarks
19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	

r of the cases in this column transferred to other courts within the State.

prosecuted should be included in this column.

ses dealt with in a Summary manner under Section 48.

Summarize

G.R.S. VI-71] 14/11

11

SUBJECT Sanctions to the Chief Court to the introduction of Registers VII-A & VII-B & a form showing quarterly returns of insolvency cases & to simplified form of Register VII

Diary No. of letter replied to 3127

Section C5
File No. 40-19
Serial No. 2

General and Revenue Secretariat

( )

, the 191

Proceedings of the Government of His Highness the Maharaja of **Mysore.**

Date of issue 9/11

Signed by

Read—

Letter no. R.O.C. 1197/1916-17 dated the 30th July 1919 / 14th Aug. from the Registrar of the Chief Court, requesting ~~to accord~~ ~~Government~~ sanction (1) for the introduction of two disposal Registers for insolvency Cases, VII-A and VII-B ~~and for a form~~ showing quarterly returns for such cases and (2) for simplifying the ~~the simplified form~~ form of Register VII as in the revised form annexed ~~in the place of the existing one~~, for

Order Thereon No. reasons mentioned therein

G. 13309 Encls
Sanctioned accordingly

May this be

i Printed ? and a quarterly return for insolvency cases in the form enclosed

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

8/11

Chief Secretary.

To G. 13309 The Registrar of the Chief Court, under a covering Letter

[Here enter the annexures]

Annexures &c. typed - Whitefoot

31/10/19 for 4/11